

WHAT IS OZONE FLEX? (FOR 1-HOUR OZONE STANDARD)

- Voluntary approach to maintain attainment (avoid violation) of the 1-hour NAAQS for ozone, while providing benefits towards reducing exceedances of the 8-hour NAAQS
- Involves formal agreement to
 - T develop emissions inventory
 - T perform air quality modeling, and
 - T implement voluntary control measures

Eligibility

- Areas that have air quality meeting the 1-hour ozone standard and designated attainment for the 1-hour standard (areas may violate the 8-hour standard and still be eligible)

Requirements

- Formal agreement (MOA)
- EPA, state/tribe, and local community signatories
- Action plan describing local control measures that will be adopted and implemented
- Contingency measures
- Coordination and public participation
- Modeling and inventories support the selection of measures
- Voluntary measures need not be adopted rules, though they can be adopted
- Schedule and reporting
- Flex program would need to be revisited in 5 years
- Outlined in June 21, 2001 Seitz guideline (available at www.epa.gov/ttn/oarpg)

Benefits

- Encourages innovative efforts that are cost effective, flexible, and tailored to the local area
- Flex program can contain an unlimited number of voluntary programs (but credit toward SIP planning is limited to 3% for stationary sources and 3% for mobile sources in accordance with EPA guidance).

Other

- If area violates 1-hr NAAQS, EPA would agree to defer nonattainment designation for 1-hr standard up to 5 years—as long as measures in MOA are being implemented
- Does not guarantee attainment status for 8-hour ozone NAAQS
- Ozone flex program could be submitted in conjunction with the 1-hour ozone maintenance plan (EPA would first need to approve the SIP and maintenance plan and redesignate the area to attainment before acting on the flex program), though the flex program does not necessarily become part of the SIP